

REMARKS

Claims 1 to 22 are pending in the application, of which claims 1, 7 and 13 are independent. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, claims 1, 2, 3, 5, 7 to 9, 11 to 19 and 22 were rejected over WO9847112 (Miller) in view of U.S. Patent No. 6,424,884 (Brooke) and one of the following U.S. Patents: 5,991,749 (Morrill), 6,415,142 (Martineau), 5,796,832 (Kawan), and 6,356,752 (Griffith). Claims 4 and 10 were rejected over these patents in further view of U.S. Patent No. 6,283,367 (Matthew); and claims 6, 20 and 21 were rejected in further view of U.S. Patent No. 5,844,808 (Konsmo) or U.S. Patent No. 6,462,644 (Howell). As shown above, Applicant has amended the claims to define the invention with greater clarity. In view of these clarifications, withdrawal of the art rejections is respectfully requested.

Amended independent claim 1 defines a method of dispensing a product from a vending machine. The method includes receiving a signal from a cellular telephone at a start of the method in order to establish a connection to the cellular telephone. The connection enables the vending machine to dispense the product in connection with use of the cellular telephone. The method also includes issuing a response to the signal which indicates that the connection has been established between the cellular telephone and the vending machine prior to dispensing the product, receiving information indicating that the product has been selected, and dispensing the product in response to the information when the connection has been established.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1, particularly with respect to receiving a signal from a cellular telephone at a start of the method in order to establish a connection to the cellular telephone, the connection enabling the vending

machine to dispense the product in connection with use of the cellular telephone, and issuing a response to the signal which indicates that the connection has been established between the cellular telephone and the vending machine prior to dispensing the product.

In this regard, Miller describes a process in which pre-paid PINs (personal identification numbers) are transmitted by a service provider (telephone company) to a switch, either via magnetic media or as a data file (see, e.g., page 12, lines 18 to 20 of Miller). A customer begins a transaction at a network device (i.e., a kiosk). The customer pays for the transaction, by credit card, by debit card, by chip card, or through a bank account. The network device transmits resulting transaction data to the switch (see, e.g., arrow 3 of Fig. 1 of Miller). The switch, using a bank interface, processes payment for the transaction with a bank (arrow 4). Once the bank has confirmed that payment was successfully processed, the switch loads a PIN number from the local database (5). Then, the PIN number is transmitted to the network device, where it is displayed or printed-out. In a last step, the customer uses a cellular phone to activate a recharging process by establishing a connection between the cellular phone and the telephone company (arrow 6). The PIN number is transmitted to the telephone company via this connection. Thus, in contrast to the invention of claim 1, in the Miller process, a connection with the cellular phone is only established at the end of the process.

Moreover, in the Miller process, the only cellular telephone connection that is established is between the cellular telephone and the telephone company. This is confirmed by arrows 6, 2 and 3 in Fig. 1 of Miller. Miller describes no connection between a cellular telephone and the network device (kiosk), which is the alleged counterpart to claim 1's vending machine. Thus,

contrary to the invention of claim 1, Miller does not disclose or suggest establishing a connection between a cellular telephone and a vending machine, much less to enable a vending machine.

The remaining art is not understood to add anything to the disclosure of Miller that would remedy its foregoing deficiencies against claim 1. For example, Brooke describes using a specially-designed transponder to communicate with a vending machine. Brooks, however, says nothing about use a cellular telephone, much less establishing a connection with a cellular telephone to enable a vending machine to dispense product. It is noted that column 5, lines 4 and 5 of Miller do mention the use of cellular transmissions; however, that is in the context of the vending machine 10 contacting an external database 26, not in establishing a link with a cellular telephone to enable the vending machine (see, e.g., Fig. 1 of Brooke).

Howell describes a wide area network that uses cellular telephone technology to allow vending machines 102 to communicate with a data warehouse 110, e.g., to determine when the vending machines need to be replenished (see, e.g., Fig. 1 of Howell). The communication, however, has nothing to do with establishing a connection to enable a vending machine to dispense product, as in the invention of claim 1. Konsmo also describes a system for monitoring remote vending machines but, like the prior art addressed above, Konsmo does not disclose or suggest establishing a connection between a cellular telephone and a vending machine in order to enable the vending machine to dispense a product.

Griffith describes using a cellular telephone to make a monetary transaction with a cash register. Kawan describes using a cellular telephone to effect a financial transaction. Morrill describes using a cellular telephone to act as an electronic wallet, e.g., transfer funds, pay for goods and services, etc. Mathew and Martineau relate to the use of smart cards, which may be

integrated into cellular telephones, to pay for goods and services. None of these patents, however, describe establishing a connection between a cellular telephone and a vending machine in order to enable the vending machine to dispense a product as in the invention of claim 1.

Thus, with specific reference to the language of claim 1, the applied references, whether taken individually or in combination, are not understood to disclose or to suggest at least receiving a signal from a cellular telephone at a start of the method in order to establish a connection to the cellular telephone, the connection enabling the vending machine to dispense the product in connection with use of the cellular telephone, and issuing a response to the signal which indicates that a the connection has been established between the cellular telephone and the vending machine prior to dispensing the product. Claim 1 is thus believed to be allowable.

Amended independent claims 7 and 13 contain feature similar to those noted above for claim 1, and are believed to be allowable for at least the same reasons noted above with respect to claim 1.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

No fees are believed to be due for this amendment, however, if any fees are due, including deficiencies in the accompanying petition fee, please charge them to deposit account 06-1050, referencing Attorney Docket No. 12758-002001.

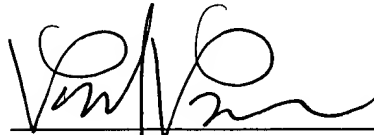
Applicant : Gero Offer
Serial No. : 09/759,606
Filed : January 12, 2001
Page : 11 of 11

Attorney's Docket No.: 12758-002001
Client Docket No.: P2000P01017US

Respectfully submitted,

Date: _____

May 12, 2004



Paul A. Pysher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20858621.doc